IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.4845-M of 2007
Date of Decision:- 02.04.2007

Mubarik ....Petitioner(s)

through
Mr.Sarfaj Hussain, Advocate

vs.

State of Haryana ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr.DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The prayer in this petition is to release the petitioner on regular bail in case F.I.R.No.91 dated 25.2.2006 under Sections 279, 336, 411, 188, 353, 307, 427, 120-B IPC, Police Station Sohna, District Gurgaon.

As per the allegations contained in the F.I.R., a group of persons who were involved in illegal mining in District Gurgaon, started pelting stones at the police party when they were sought to be apprehended at the spot. One Sarfudin was alleged to be the driver of the dumper.

Subsequently, it appears that on the basis of statement of owner of the dumper, the petitioner has been implicated on the ground that actually he was the driver of the said dumper.

The petitioner was arrested on 19.8.2006 and is in custody since then.

It is stated by Mr.Tarun Aggarwal, learned Sr.DAG, Haryana, on instructions from ASI Janki Parsad, that out of 11 witnesses, the prosecution has examined 3 witnesses so far.

After hearing learned counsel for the parties and having regard

to the nature of allegations and the fact that the conclusion of trial will still take some time but without expressing any views on the merits of the case lest it should prejudice either of them, this petition is allowed. The petitioner is directed to be released on bail to the satisfaction of the Chief Judicial Magistrate, Gurgaon.

April 02, 2007 **(SURYA KANT)**
poonam **JUDGE**